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10 UNITED STATES DISTRICT COURT  
11 DISTRICT OF NEVADA

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UNITED STATES OF AMERICA,	)	2:16-cr-00020-APG-NJK
Plaintiff,	)	STIPULATION TO CONTINUE
vs.	)	INITIAL APPEARANCE/
ANDREI POPESCU,	)	ARRAIGNMENT AND PLEA
Defendant.	)	
	)	

20 IT IS HEREBY STIPULATED AND AGREED by and between Defendant, ANDREI  
21 POPESCU, by and through his counsel, TODD M. LEVENTHAL, ESQ., and the United States of  
22 America, by its counsel, KATHRYN C. NEWMAN, Assistant U.S. Attorney, that the Initial  
23 Appearance/Arraignment and Plea Hearing in the above-captioned matter currently set for Friday,  
24 May 13, 2016 be re-set for at least 30 days.

25 This Stipulation is entered into for the following reasons

- 26 1. On May 9<sup>th</sup> 2016, Mr. Leventhal was retained by Andrei Popescu to represent him  
27 in the above referenced matter.
- 28 2. Mr. Leventhal will be out of jurisdiction from May 10-15, 2016, and will not be  
available to attend the set hearing.
3. Mr. Popescu is currently out of custody and agrees with this request.
4. Mr. Leventhal has spoken to KATHRYN NEWMAN, Assistant United States  
Attorney, and she has no objection to this continuance.

1       5. Additionally, denial of this request for a continuance could result in a miscarriage  
2       of justice.

3       6. The additional time requested by this stipulation is excludable in computing the time  
4       within which the trial herein must commence pursuant to the Speed Trial Act, Title 18, United  
5       States Code, Section 3161 (h)(7)(A), when considering the factors under Title 18, United States  
6       Code, Section 3161 (h)(7)(b) i and 3161 (h)(7)(b)(iv). In addition, the continuance sought is not  
7       for delay and the ends of justice are in fact served by the granting of such a continuance which  
8       outweigh the best interest of the public and the defendant in a speedy trial.

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11       DATED this 11<sup>th</sup> day of May, 2016.  
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13       \_\_\_\_\_  
14       /s/ Todd M. Leventhal  
15       TODD M. LEVENTHAL, ESQ.  
16       Counsel for Andrei Popescu

17       \_\_\_\_\_  
18       /s/ Kathryn Newman  
19       KATHRYN NEWMAN  
20       Assistant U.S. Attorney

21       Submitted By: LEVENTHAL & ASSOCIATES, PLLC  
22

23       By:       \_\_\_\_\_  
24       /s/ Todd M. Leventhal  
25       TODD M. LEVENTHAL, ESQ.  
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5 Attorney for Andrei Popescu

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

10 UNITED STATES OF AMERICA, )  
11 Plaintiff, )  
12 vs. )  
13 ANDREI POPESCU, )  
14 Defendant. )

## FINDINGS OF FACT

Based on the stipulation of counsel, and good cause appearing, the Court finds that:

1. On May 9<sup>th</sup> 2016, Mr. Leventhal was retained by Andrei Popescu to represent him in the above referenced matter.
  2. Mr. Leventhal will be out of jurisdiction from May 10-15, 2016, and will not be available to attend the set hearing.
  3. Mr. Popescu is currently out of custody and agrees with this request.
  4. Mr. Leventhal has spoken to KATHRYN NEWMAN, Assistant United States Attorney, and she has no objection to this continuance.
  5. Additionally, denial of this request for a continuance could result in a miscarriage of justice.
  6. The additional time requested by this stipulation is excludable in computing the time

1 within which the trial herein must commence pursuant to the Speed Trial Act, Title 18, United  
2 States Code, Section 3161 (h)(7)(A), when considering the factors under Title 18, United States  
3 Code, Section 3161 (h)(7)(b) i and 3161 (h)(7)(b)(iv). In addition, the continuance sought is not  
4 for delay and the ends of justice are in fact served by the granting of such a continuance which  
5 outweigh the best interest of the public and the defendant in a speedy trial.

6 **CONCLUSIONS OF LAW**

7 The ends of justice served by granting said continuance outweigh the best interest of the  
8 public and the Defendants in a speedy trial, since the failure to grant said continuance would be  
9 likely to result in a miscarriage of justice, would deny the parties herein sufficient time and the  
10 opportunity within which to be able to effectively and thoroughly prepare for trial, taking into  
11 account the exercise of due diligence.

13 The continuance sought herein is excludable in computing the time within which the trial  
14 herein must commence pursuant to the Speedy Trial Act, Title 18, United States Code, Section  
15 3161(h)(7)(A) considering the factors under Title 18, United States Code, Sections  
16 3161(h)(7)(B)(i) and (ii).

18 **ORDER**

19 Accordingly, IT IS SO ORDERED that the current Arraignment/ Plea Hearing is  
20 vacated and the same is continued and reset for June 10, 2016, at the hour of  
21 3:00 p.m., in Courtroom # 3C.

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23 Dated this 12th day of May, 2016.  
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28 NANCY J. KOPPE  
UNITED STATES MAGISTRATE JUDGE